

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BOBBIE POPE, ET AL., <i>on behalf of</i>	§	
<i>themselves and all others similarly</i>	§	
<i>situated,</i>	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 4:24–CV–04611
	§	Judge Ellison
HEALTH MATCHING ACCOUNT	§	
SERVICES, INC.,	§	
	§	
<i>Defendant.</i>	§	

JOINT AGREED MOTION TO STAY PROCEEDINGS IN LIGHT OF PLANNED MEDIATION

Plaintiffs Melanie Furniss and Bobbie Pope (“Plaintiffs”), and Defendant Health Matching Account Services, Inc. (“HMAS”), jointly the “Parties,” file this Joint Agreed Motion to Stay Proceedings in Light of Planned Mediation (“Motion to Stay”), along with a Proposed Order.

1. On September 25, 2025, the Parties voluntarily agreed to mediate all issues related to the Plaintiffs and Defendant and related to this lawsuit and the controversy between the Parties, as well as related to other persons connected with this lawsuit/controversy, such as alleged class members.

2. The mediation shall be with Hon. John T. Wooldridge, a Senior Texas State Court Judge and a well-known and long-experienced Mediator and Arbitrator, <https://www.judgewooldridge.com/>.

3. The date of the mediation is Friday, December 5, 2025. See Judge Wooldridge's calendar setting, Ex. A. This date was the first day that the Parties are able to mediate, given the calendar of Judge Wooldridge.

4. The Parties agree to work cooperatively to effect a successful mediation, as may be possible.

5. In light of the mediation, the Parties respectfully ask that this Court stay this action until thirty (30) days after the mediation (if it is not successful), that is until January 5, 2026. This stay will permit the Parties to use best efforts to efficiently and economically resolve this matter at mediation, if possible.

6. Thus, the Parties ask the Court to stay temporarily its resolution of Plaintiffs' Corrected Motion for Class Certification ("Motion for Class Certification"), DE 46.

7. If the mediation is not successful, within thirty (30) days thereof, the Parties agree to seek from the Court a new scheduling order related to the class certification issues, including the following deadlines:

- a. Plaintiffs' Class Certification Expert Report;
- b. Defendant's Class Certification Expert Report;
- c. Rebuttal Reports;
- d. Class Certification Discovery;
- e. Plaintiffs' Reply to the Defendant's Response to the Corrected Motion for Class Certification [DEs 45, 46]; and
- f. Plaintiffs' Response to Defendant's Motion to Quash or Modify Subpoena and for Protective Order [DE 52].

Thereafter, as required, the Motion for Class Certification will be ripe for adjudication.

8. The Parties agree that this Motion to Stay is appropriate and will be the most efficient way for the Court and the Parties currently to manage this litigation.

9. Along with this stay, the Parties agree that they will not take any further action in this controversy,¹ except as needed to prepare for and participate in the scheduled mediation.

10. This Motion to Stay will not unduly delay these proceedings and will, instead, assist the Parties, and in turn the Court, in economically and promptly resolving this matter. A proposed order is submitted for the Court's consideration.

Wherefore, the Parties respectfully request that the Court stay this action for thirty days after the planned mediation, set for December 5, 2025, that is, until January 5, 2026, and for such other and further relief as is necessary and reasonable.

[signature page follows]

¹ This agreement not to take further action includes any filing by Plaintiffs of an amended complaint in this proceeding or any filing of a new or separate action, as Plaintiffs' counsel has suggested might be pursued.

Respectfully submitted,

By: /s/ Alexander N. Loftus
Alexander N. Loftus
S.D. Tex. Fed. No. 3663102
Carl M. Johnson
Admitted Pro Hac Vice
LOFTUS & EISENBERG, LTD.
161 N. Clark Suite 1600
Chicago, Illinois 60601
Telephone: (312) 899-6625
alex@loftusandeisenberg.com

James Crewse
Texas Bar No. 24045722
S.D. Tex. Fed. No. 611650
CREWSE LAW FIRM, PLLC
5919 Vanderbilt Ave.
Dallas, Texas 75206
Telephone: (214) 394-2856
jcrewse@crewselawfirm.com

Counsel for Plaintiffs

By: /s/ Christopher C. Pappas
Christopher C. Pappas
Texas Bar No. 15454300
S.D. Tex. Fed. No. 5966
Dennis P. Duffy
Texas Bar No. 06168900
S.D. Tex. Fed. No. 10502
Andrea M. Johnson
Texas Bar No. 10679600
S.D. Tex. Fed. No. 1285

KANE RUSSELL COLEMAN LOGAN PC
5151 San Felipe, Suite 800
Houston, Texas 77056
Telephone: (713) 425-7400
Fax: (713) 425-7700
cpappas@krcl.com
dduffy@krcl.com
ajohnson@krcl.com

***Counsel for Defendant Health
Matching Account Services, Inc.***

CERTIFICATE OF CONFERENCE

This is to certify that on the 3rd day of October, 2025, Defendant's counsel conferred with Plaintiffs' Counsel, who agreed to the Motion to Stay, as above.

/s/ Andrea M. Johnson
Andrea M. Johnson

CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of October, 2025, a true and correct copy of the foregoing was served via the Court's CM/ECF notification system on all counsel of record.

/s/ Andrea M. Johnson
Andrea M. Johnson